

Attachment 2

Statement of Facts

STATEMENT DE FACTS

1. On 2/27/09 Plaintiff purchased a Sec-100 portable media player from "Kefee Commissary aka Access Corrections, Appendix-A. Throughout the time of owning the "Media-Player" the Plaintiff has had to send it back to "Kefee Commissary Network LLC dba Access Corrections" many times in the past, due to software issues, Appendix-B. In 2017 "Kefee Commissary Network LLC dba Access Corrections placed a timer on my "Media Player" without giving me adequate and reasonable "notice" before doing so.

2. Kefee Commissary Network LLC aka Access Corrections never had a contract with the [M.D.O.C.] concerning "Media Players or Music" but with "Access Media". Plaintiff was never given "adequate or reasonable notice" that I would not be able to send my "Media Player" in for repair, software issues, or for it to be rebotted etc.

3. On 8/1/20 Plaintiff's "Media Player" stop working Plaintiff wrote "Access Corrections" and asked them could I send my player in for it to be rebooted. Plaintiff received no response.

4. Plaintiff wrote "Consumer Protections Department" in Michigan, and explained the issue and they contacted "Access Corrections" by e-mail, and "Access Corrections" responded saying that they are not responsible since the [M.D.O.C.] didn't renew its contract with them, Appendix-C, which is false.

5. Since I purchased the "Media Player" from "Kefee Commissary Network LLC dba Access Corrections" with my own money and I brought songs with my own money and Access Corrections did

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not have a contract for "Media Players or Songs" then the purchase and songs which "Access Corrections" told me is mine, the "Binding Agreement" is lawful and they are obligated repair, reboot, replace due to software defects, and has nothing to do with the M.D.O.C. the issues are between the Plaintiff and "Access Corrections".

6. The Michigan Department of Corrections is not restricting [1] repairs [2] rebooting [3] replacement due to software defects.

7. The 14th Amendment through the State's require equal protect and due process. All statutes in content and application shall afford each citizen all the protections of the 14th Amendment. Plaintiff's life, liberty or property is involved when "Access Corrections" came into this State to do business, Plaintiff purchased a "Media Player" was taxed for it and was taxed continuously for each song, which is his property and has equal protection to not be "discriminated" against by "Access Corrections".

8. Plaintiff has been denied equal protection, and has been "discriminated" against by Access Corrections" by allowing other prisoners to send there "Media Players" back to "Access Corrections" and have them [1] repaired [2] rebooted etc, but denied the Plaintiff the same equal protections as another prisoner in a similar set of circumstances, Appendix-D and E. The terms of the agreement at the time of sale and ongoing was I not the M.D.O.C. would be accommodated to have my "Media Player repaired, rebooted etc without being discriminated against.

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REQUESTED RELIEF

1. Return all my money I spent which is \$725.32

Robert Lee Cloy

Robert Lee Cloy #195877

Dated: September 10 2021

VERIFICATION

I, Robert Lee Cloy, declare under the penalty of perjury that all the facts in these "Statement of Facts" are true, correct to best of knowledge and belief 28 USC § 1746.

Robert Lee Cloy

Robert Lee Cloy #195877

Dated: September 10 2021

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MUSKEGON, MI

Appendix A

**MICHIGAN DEPARTMENT OF CORRECTIONS
DISBURSEMENT AUTHORIZATION (Prisoner)**

Appendix B



Monday, December 19, 2016

Dear: ROBERT CLOY (195877)

MI - MUSKEGON CORR FAC**

Access Corrections received your returned product under Return Authorization Record: 60870.

Access Corrections products come with a manufacturer's limited warranty. The warranty covers defective or malfunctioning players and accessories. Players and accessories go through a series of review, and in some cases, are reset to manufacturer settings and updated with the latest software.

Both the players and accessories are first reviewed for physical damage. Physically damaged items are not covered under warranty and should not be sent in for repair. We also review the product for functional defects as follows:

- 1.Insert new batteries into the player and turn the player on
- 2.Review the player for button functionality, and display functions
- 3.Review the physical aspects of the product
- 4.Review the files stored on the player, test the function of the product
- 5.Remove the files on the player and install the latest player software on the player
- 6.Initialized the player by adding the media account to the player
- 7.Insert new batteries to ensure software update and initialization processed completely
- 8.Sync the player to our corporate kiosk and complete a kiosk session

Access Corrections thoroughly tested and reviewed your product, and report the following results of our review: **Player Recovered-Reinitialized**

Notes:

Thank you for choosing Access Corrections. Please call or email us with questions and comments.

Sincerely,
Access Corrections
1-877-760-1118

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MUSKEGON, MI



Thursday, February 16, 2017

Dear: ROBERT CLOY (195877)

MI - MUSKEGON CORR FAC**

Access Corrections received your returned product under Return Authorization Record: 61663.

Access Corrections products come with a manufacturer's limited warranty. The warranty covers defective or malfunctioning players and accessories. Players and accessories go through a series of review, and in some cases, are reset to manufacturer settings and updated with the latest software.

Both the players and accessories are first reviewed for physical damage. Physically damaged items are not covered under warranty and should not be sent in for repair. We also review the product for functional defects as follows:

1. Insert new batteries into the player and turn the player on
2. Review the player for button functionality, and display functions
3. Review the physical aspects of the product
4. Review the files stored on the player, test the function of the product
5. Remove the files on the player and install the latest player software on the player
6. Initialized the player by adding the media account to the player
7. Insert new batteries to ensure software update and initialization processed completely
8. Sync the player to our corporate kiosk and complete a kiosk session

Access Corrections thoroughly tested and reviewed your product, and report the following results of our review: **Player Recovered-Reinitialized**

Notes:

Thank you for choosing Access Corrections. Please call or email us with questions and comments.

Sincerely,
Access Corrections
1-877-760-1118

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MUSKEGON, MI

Appendix C

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



P.O. Box 30213
LANSING, MICHIGAN 48909

DANA NESSEL
ATTORNEY GENERAL

May 7, 2021

Refer to AG No.: 2021-0318966-A

Robert L. Cloy #1985877
Muskegon Correctional Facility
2400 S. Sheridan Road
Muskegon, MI 49442

Dear Consumer:

RE: Access Catalog Company/Keefe Group

Enclosed is a copy of the response our office received concerning your complaint. We are closing your file at this time.

Our position is not a reflection as to the validity of your complaint. If your complaint has not been resolved to your satisfaction, you may wish to consider filing a private civil action and we suggest you consult with a private attorney. If the value of your claim is \$6,500.00 or less, you may also consider filing an action on your own behalf in Small Claims Court. Copies of various Michigan consumer laws are available on our website at www.michigan.gov/ag.

Your complaint will be retained for future reference. Our consumer complaint files are public records and are used to respond to consumer inquiries as well as to monitor unfair or deceptive business practices.

Sincerely,

Michigan Department of Attorney General
Consumer Protection Division
1-877-765-8388
(517) 241-3771 – Fax

Enc.
bjb

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MUSKEGON DISTRICT COURT
MUSKEGON, MI

CP_Email1, CP_Email1 (AG)

From: MP3 Emails <MP3HelpDeskEmails@keefegroup.com>
Sent: Friday, May 7, 2021 1:07 PM
To: CP_Email1, CP_Email1 (AG)
Subject: RE: Cloy, Robert v Keefer & Access Catalog 2021-0318966-A

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Good morning,

Thank you for the documentation concerning the issue for Robert Cloy – 195877. After reviewing his account, our system shows that his SEC-100 was issued on 5/6/2010. The manufacturer's warranty time frame is 60 days from the date of issue and the player is out of warranty. Also, MI DOC did not renew the contract with Access Corrections and so severed all service that Access Corrections could provide. As an aside, Access Corrections did receive the player for review and did recover or replace the player as needed. Because of the age of this player – over 11 years old – and because MI DOC severed ties with Access Corrections, Access Corrections is unable to accept the player for review or issue any refund.

Thank you.
Staff of Access Corrections

If you have any further questions regarding this issue feel free to contact us at 1-877-760-1118 or by email at helpdesk@accesscorrections.com.



From: CP_Email1, CP_Email1 (AG) <CP_Email1@michigan.gov>
Sent: Friday, May 7, 2021 8:51 AM
To: MP3 Emails <MP3HelpDeskEmails@keefegroup.com>
Subject: RE: Cloy, Robert v Keefer & Access Catalog 2021-0318966-A

To Whom It May Concern:

The office of the Michigan Department of Attorney General, Consumer Protection Division, recently received a consumer complaint regarding your business.

Attached please find a letter from our office, the consumer complaint(s), and when applied any additional documentation the consumer may have submitted with their complaint.

We appreciate your prompt reply to this email within the next ten days giving your position on this matter.

Thank you,

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Appendix D



Tuesday, October 01, 2019

Dear: NEWSON BEY (281476)

MI - LAKELAND CORR FAC**

Access Corrections received your returned product under Return Authorization Record: 83935.

Access Corrections products come with a manufacturer's limited warranty. The warranty covers defective or malfunctioning players and accessories. Players and accessories go through a series of review, and in some cases are reset to manufacturer settings and updated with the latest software.

Both the players and accessories are first reviewed for physical damage. Physically damaged items are not covered under warranty and should not be sent in for repair. We also review the product for functional defects as follows:

1. Insert new batteries, or connected the playr to an adapter and turned the player on
2. Review the player for button functionality, and display functions
3. Review the physical aspects of the product
4. Review the files stored on the player, test the function of the product
5. Remove the files on the player and install the latest player software on the player
6. Confirmed the media account is mapped to the player and ready for accessing through the kiosk

Access Corrections thoroughly tested and reviewed your product, and report the following results of our review: **Player Recovered**

Notes: Reflashed and initialized player. Downloaded songs to player. Reset timer for 3,650 days.

Thank you for choosing Access Corrections. Please call or email us with questions and comments.

Sincerely,
Access Corrections
1-877-760-1118

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NEWSON, MI

Appendix E



Thursday, June 25, 2020

Dear: FREDERICK TERRELL (237894)

MI - KINROSS CORR FAC LVL 1**

Access Corrections received your returned product under Return Authorization Record: 88570.

Access Corrections products come with a manufacturer's limited warranty. The warranty covers defective or malfunctioning players and accessories. Players and accessories go through a series of review, and in some cases are reset to manufacturer settings and updated with the latest software.

Both the players and accessories are first reviewed for physical damage. Physically damaged items are not covered under warranty and should not be sent in for repair. We also review the product for functional defects as follows:

1. Insert new batteries, or connected the player to an adapter and turned the player on
2. Review the player for button functionality, and display functions
3. Review the physical aspects of the product
4. Review the files stored on the player, test the function of the product
5. Remove the files on the player and install the latest player software on the player
6. Confirmed the media account is mapped to the player and ready for accessing through the kiosk

Access Corrections thoroughly tested and reviewed your product, and report the following results of our review: **Player Recovered**

Notes: Reset timer for 3,650 days. Loaded media to player.

Thank you for choosing Access Corrections. Please call or email us with questions and comments.

Sincerely,
Access Corrections
1-877-760-1118

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